

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

BASKIN-ROBBINS FRANCHISED SHOPS, LLC (successor in interest of BASKIN-ROBBINS USA, CO.) and BR IP HOLDER LLC

(b) County of Residence of First Listed Plaintiff Norfolk County, MA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

The Butler Firm, PLLC, 1601 Rio Grande Street, Suite 331, Austin, TX 78701, 512-992-0439; The Law Offices of Norman A. Zable, PC, 575 Alpha Road, Dallas, TX, 75240, 972-386-6900

DEFENDANTS

COOL ENTERPRISES, LLC, MARK E. SCHIFFGENS, ADAM ZARAFSHANI, and CONLETH S. O'CONNELL, JR., jointly and severally

County of Residence of First Listed Defendant Travis County, Texas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

A13CV0228 LY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

110 Insurance
 120 Marine
 130 Miller Act
 140 Negotiable Instrument
 150 Recovery of Overpayment & Enforcement of Judgment
 151 Medicare Act
 152 Recovery of Defaulted Student Loans (Excludes Veterans)
 153 Recovery of Overpayment of Veteran's Benefits
 160 Stockholders' Suits
 190 Other Contract
 195 Contract Product Liability
 196 Franchise

PERSONAL INJURY
 310 Airplane
 315 Airplane Product Liability
 320 Assault, Libel & Slander
 330 Federal Employers' Liability
 340 Marine
 345 Marine Product Liability
 350 Motor Vehicle
 355 Motor Vehicle Product Liability
 360 Other Personal Injury
 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
 365 Personal Injury - Product Liability
 367 Health Care/ Pharmaceutical Personal Injury Product Liability
 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
 370 Other Fraud
 371 Truth in Lending
 380 Other Personal Property Damage
 385 Property Damage Product Liability

625 Drug Related Seizure of Property 21 USC 881
 690 Other

 710 Fair Labor Standards Act
 720 Labor/Management Relations
 740 Railway Labor Act
 751 Family and Medical Leave Act
 790 Other Labor Litigation
 791 Employee Retirement Income Security Act

422 Appeal 28 USC 158
 423 Withdrawal 28 USC 157

 820 Copyrights
 830 Patent
 840 Trademark

 861 HIA (1395ff)
 862 Black Lung (923)
 863 DIWC/DIWW (405(g))
 864 SSID Title XVI
 865 RSI (405(g))

375 False Claims Act
 400 State Reapportionment
 410 Antitrust
 430 Banks and Banking
 450 Commerce
 460 Deportation
 470 Racketeer Influenced and Corrupt Organizations
 480 Consumer Credit
 490 Cable/Sat TV
 850 Securities/Commodities/ Exchange
 890 Other Statutory Actions
 891 Agricultural Acts
 893 Environmental Matters
 895 Freedom of Information Act
 896 Arbitration
 899 Administrative Procedure Act/Review or Appeal of Agency Decision
 950 Constitutionality of State Statutes

210 Land Condemnation
 220 Foreclosure
 230 Rent Lease & Ejectment
 240 Torts to Land
 245 Tort Product Liability
 290 All Other Real Property

440 Other Civil Rights
 441 Voting
 442 Employment
 443 Housing/ Accommodations
 445 Amer. w/Disabilities - Employment
 446 Amer. w/Disabilities - Other
 448 Education

Habeas Corpus:
 463 Alien Detainee
 510 Motions to Vacate Sentence
 530 General
 535 Death Penalty
Other:
 540 Mandamus & Other
 550 Civil Rights
 555 Prison Condition
 560 Civil Detainee - Conditions of Confinement

462 Naturalization Application
 465 Other Immigration Actions

870 Taxes (U.S. Plaintiff or Defendant)
 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Lanham Act, 15 U.S.C. § 1051

VI. CAUSE OF ACTION

Brief description of cause:
Defendants defaulted on Franchise Agreement

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$
25,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

March 15, 2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 100016972 AMOUNT 350.00

APPLYING IFFP

JUDGE

Lee Yankel MAG. JUDGE

DUPLICATE

Court Name: TEXAS WESTERN
Division: 1
Receipt Number: 100016972
Cashier ID: oschroed
Transaction Date: 03/18/2013
Payer Name: THE BUTLER FIRM

CIVIL FILING FEE

For: THE BUTLER FIRM
Amount: \$350.00

CHECK

Check/Money Order Num: 1362
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

1:13-CV-228-LY; BASKIN-ROBBINS
FRANCHISED SHOPS, LLC ET AL v COOL
ENTERPRISES, LLC ET AL